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5 UNITED STATES DISTRICT COURT  
6 WESTERN DISTRICT OF WASHINGTON  
7 AT SEATTLE

8 UNITED STATES, in its own right and on  
9 behalf of the Lummi Indian Nation,

10 Plaintiff,

11 LUMMI INDIAN NATION,

12 Plaintiff-Intervenor,

13 v.

14 STATE OF WASHINGTON,  
15 DEPARTMENT OF ECOLOGY, et al.,

16 Defendants.

C01-47 TSZ

ORDER

17 THIS MATTER comes before the Court on the Water Master's Annual Report for  
18 the Fiscal Year 2019-2020 and Recommendations for Waiving Water User Fees for the  
19 Fiscal Year 2020-2021 and Updating the Service List ("R&R"), docket no. 1544. Having  
20 reviewed the R&R, to which no objection was filed, the Court ORDERS as follows:

21 (1) The R&R, docket no. 1544, is ADOPTED and APPROVED.

22 (2) In light of the financial hardships relating to Coronavirus Disease 2019  
23 ("COVID-19"), the Water Master fees otherwise required of Eligible Landowners, the

1 Lummi Nation, and the Washington Department of Ecology under Paragraph IV(G) of  
2 the Settlement Agreement, docket nos. 1264-2 through 1264-11, are waived for the Fiscal  
3 Year 2020-2021. This one-time waiver is notwithstanding any other provision of the  
4 Court's Order and Judgment entered November 21, 2007, docket no. 1273, as amended,  
5 docket no. 1415, or the Settlement Agreement approved by the Order and Judgment.

6 (3) To avoid compounding the financial hardship relating to COVID-19 into  
7 the future, when calculating the adjusted ceiling for the Water Master Account in future  
8 years, see Settlement Agreement at ¶¶ IV(G)(1)&(2), the Water Master fees for Fiscal  
9 Year 2020-2021 shall be conclusively deemed to have been paid, and water uses shall not  
10 be required to make up the waived 2020-2021 fees.

11 (4) The Water Master is DIRECTED to add the Eligible Landowners' \$792  
12 underpayment of fees for the Fiscal Year 2019-2020 to the fees for the Fiscal Year 2021-  
13 2022 to be paid by Eligible Landowners.

14 (5) The Department of Ecology is DIRECTED to send, on or before August 31,  
15 2020, to Eligible Landowners, a letter, approved by the Water Master, explaining the  
16 waiver of fees.

17 (6) The changes to the Service List set forth in Attachment C to the Water  
18 Master's Annual Report (or R&R) are APPROVED and shall be implemented.

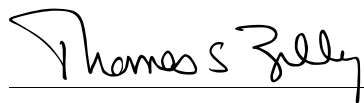
19 (7) The Clerk is DIRECTED to update the Service List, with assistance from  
20 the Water Master, in a manner consistent with R&R Attachment C.

21 (8) The Clerk shall electronically file this Order, but need not provide  
22 conventional service (i.e., copies via mail) of this Order.  
23

1 (9) The Water Master shall post a copy of this Order on his website.

2 IT IS SO ORDERED.

3 Dated this 14th day of August, 2020.

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5 THOMAS S. ZILLY  
6 United States District Judge